

GIBSON, DUNN & CRUTCHER LLP  
JOEL S. SANDERS, SBN 107234,  
JSanders@gibsondunn.com  
RACHEL S. BRASS, SBN 219301,  
RBrass@gibsondunn.com  
AUSTIN V. SCHWING, SBN 211696,  
ASchwing@gibsondunn.com  
555 Mission Street, Suite 3000  
San Francisco, California 94105-2933  
Telephone: 415.393.8200  
Facsimile: 415.393.8306

Attorneys for Defendant  
CHUNGHWA PICTURE TUBES, LTD.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION

This Document Relates to:

DIRECT ACTION PLAINTIFF ACTIONS

CASE NO. 3:07-CV-5944 SC

MDL NO. 1917

**DECLARATION OF RACHEL S. BRASS  
IN SUPPORT OF DEFENDANTS'  
OPPOSITION TO DIRECT ACTION  
PLAINTIFFS' RENEWED MOTION TO  
COMPEL DEFENDANTS TO PRODUCE  
THE EUROPEAN COMMISSION  
DECISION**

I, Rachel S. Brass, hereby declare as follows:

1. I am a partner in the law firm of Gibson, Dunn & Crutcher LLP ("Gibson Dunn"),  
counsel of record for Chunghwa Picture Tubes, Ltd. ("Chunghwa") in the above-referenced action.

2. I submit this declaration in support of Defendants' Opposition To Direct Action  
Plaintiffs' Renewed Motion To Compel Defendants To Produce The European Commission  
Decision, filed by Chunghwa, LG Electronics, Philips, Samsung SDI, Toshiba, Panasonic, and the  
MTPD defendants (collectively, "Defendants"). Unless otherwise indicated, I have personal  
knowledge of the foregoing and could and would testify to the same if called as a witness in this  
matter.

1           3.       After the Court issued its March 26, 2014 Order denying plaintiffs' initial motion to  
2 compel production of European Commission ("EC") decision (the "Prior Order"), Gibson Dunn  
3 provided a copy of the order to the EC and provided the EC with the discovery and trial deadlines in  
4 this case.

5           4.       The EC subsequently confirmed that it is still in the process of finalizing a public  
6 decision, and that the EC continues to oppose disclosure of the confidential decision because it would  
7 harm the European Union's competition law enforcement regimes and policy interests.

8           5.       The EC has instructed Gibson Dunn that it intends to deliver imminently a formal  
9 statement of its views on this issue to the United States Department of Justice, Antitrust Division,  
10 which will in turn provide a copy of the statement to the Court.

11          6.       I am informed and believe that since the Prior Order, each of the Defendants named in  
12 the decision have engaged with the EC regarding confidentiality and other issues that are  
13 prerequisites to finalizing a public decision. Many of the Defendants have resolved those issues, and  
14 the others are working in good faith towards a similar end. In addition, there are recipients of the  
15 decision who are not Defendants in this case, and the EC is also working with those companies on  
16 these same issues.

17          7.       I am informed and believe that Defendants have not released the decision in other  
18 litigation, and have continually complied with the EC's view of their obligations with respect to  
19 confidentiality.

20          8.       Since the Prior Order, Plaintiffs have received more documents from Defendants and  
21 taken more depositions of Defendants.

22          9.       I am informed and believe that to date Defendants and alleged co-conspirators have  
23 collectively produced well over 5 million pages of documents in this MDL litigation.

24          10.       I am informed and believe that to date Plaintiffs have taken a total of 154 days of  
25 deposition testimony from 80 percipient or fact witnesses in this MDL litigation, utilizing over 1,500  
26 exhibits.

I declare under penalty of perjury pursuant to the laws of the United States that the foregoing statements are true and correct.

Executed this 26th day of September 2014, at San Francisco, California.

By:

Rachel S. Brass

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